

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|----------------------------------|---|-----------------------|
| CYNTHIA A. SAUNDERS, |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| v. |) | No. 1:04-cv-300 |
| |) | <i>Edgar / Carter</i> |
| JO ANNE B. BARNHARDT, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| <i>Defendant.</i> |) | |

MEMORANDUM AND ORDER

Plaintiff Cynthia A. Saunders brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the final decision of the Commissioner of Social Security denying her a period of disability, disability insurance benefits, and supplemental security income under Title II and Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, and 1382. Plaintiff moves for summary judgment to reverse the Commissioner's decision. [Court Doc. No. 13]. Defendant moves for summary judgment to affirm the Commissioner's decision. [Court Doc. No. 15].

The Court referred the summary judgment motions to Magistrate Judge William B. Mitchell Carter for a report and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b). The Magistrate Judge filed his report and recommendation on October 27, 2005. [Court Doc. No. 19]. The Magistrate Judge recommends that the decision of the

Commissioner of Social Security be reversed and that the case be remanded for an award of benefits to the plaintiff based on a finding of disability as of December 31, 1999.

The parties have not timely filed any objections to the report and recommendation. After reviewing the record, the Court agrees with the Magistrate Judge's findings of fact and conclusions of law. Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court hereby **ACCEPTS and ADOPTS** the Magistrate Judge's report and recommendation in its entirety. The plaintiff's motion for summary judgment [Court Doc. No. 13] is **GRANTED**, and the defendant's motion for summary judgment [Court Doc. No. 15] is **DENIED** under Fed. R. Civ. P. 56.

A separate judgment will enter.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE